

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**VALENCIA ROBINSON; A. T. by and through  
his parent, C.M.; and JENNI SMITH**

**PLAINTIFFS**

**v.**

**CIVIL ACTION NO. 3:09CV537 WHB-LRA**

**DON THOMPSON, Executive Director  
of the Mississippi Department of Human  
Services, in his Official Capacity;  
CHERYL E. SPARKMAN, Director of the  
Division of Economic Assistance, in her  
official capacity**

**DEFENDANTS**

**DEFENDANTS' MOTION TO DISMISS**

**COME NOW** the Defendants, Don Thompson, Executive Director of the Mississippi Department of Human Services ["DHS"], and Cheryl E. Sparkman, Director of the Division of Economic Assistance for DHS, in their official capacities, and file this Motion to Dismiss pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure. Pursuant to the Memorandum of Authorities accompanying this Motion, including the assertion of Eleventh Amendment immunity, the Defendants respectfully request that this Court grant this Motion.

Wherefore, premises considered, the Defendants respectfully request that this Court **GRANT** the present Motion to Dismiss.

Respectfully submitted, this the 2nd day of October 2009.

Respectfully submitted,  
DON THOMPSON AND CHERYL E. SPARKMAN, in  
their Official Capacities

BY: **JIM HOOD, ATTORNEY GENERAL**  
**STATE OF MISSISSIPPI**

BY: /s/ Shawn S. Shurden  
SHAWN S. SHURDEN, MSB NO. 99678  
SPECIAL ASSISTANT ATTORNEY GENERAL

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Cheryl E. Sparkman*

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**CERTIFICATE OF SERVICE**

\_\_\_\_\_, I, Shawn S. Shurden, Special Assistant Attorney General of the State of Mississippi, do hereby certify that I have electronically filed the foregoing Defendants' Motion to Dismiss with the Clerk of the Court using the ECF system which sent notification of such filing to:

Kristy L. Bennett  
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P. O. Box 2242  
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American Civil Liberties Union Foundation  
915 15<sup>th</sup> Street, 6<sup>th</sup> Floor  
Washington, CD 20005

This the 2nd day of October 2009.

/s/ Shawn S. Shurden  
SHAWN S. SHURDEN